



*J.E. "Woody" Pryor ♦ Superintendent*

April 16,2007

**Marlene H. Dortch, Secretary**  
**Federal Communications Commission**  
**Office of the Secretary**  
**445 12th Street, SW**  
**Washington, DC 20554**

**CC Docket No. 02-6**

**RE: Request for Review of Decision by USAC-SLD**

**Applicant Detailed Contact Information:**

**MAUD INDEP SCHOOL DISTRICT 117**  
**P.O. BOX 130**  
**306 N. MAIN**

**Maud, OK. 74854**  
**Phone: 405-374-2416**  
**Fax: 405-374-2628**  
**jepryor@maud.k12.ok.us**

Funding Year	2006
470 Application Number	914920000576754
471 Application Number	536422
FRN	1457955
Billed Entity Number	140360
Applicant Name	Maud Indep School District
Service Provider Name	OneNet
SPIN	143015254
FCDL Date	12/12/06
Pre-Discount Amount	\$24,672.00

Maud Independent School District is requesting an FCC review of a USAC-SLD decision regarding Priority 1 E-rate services. The issue has arisen from an erroneous date on an Order Form for the service provider. The accusation by USAC is that because the document was dated on January, 10 of 2006, we did not follow a mandatory 28-day waiting period before selecting a

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service provider. The Allowable Contract Date (end of 28-day waiting period) was February 9, 2006. In fact, we actually waited until February 10, 2006 to begin making our service provider decisions, including the one referenced in this appeal. As Superintendent, I made an error when signing and dating the order form, using 1/10/06 instead of 2/10/06. We did not recognize this error until it was brought to our attention by the funding denial notice. Had we realized the error, we would have asked for a correction. Further evidence of our meeting the Allowable Contract Date requirement is the date of our Form 471 filing. This did not occur until February 16, 2006.

Furthermore, the document being referenced for a non-compliant contract date is not a contract at all. It is simply a form that typically is executed at the time the service starts or is renewed. The service in question is a continuing month-to-month Internet service that the District has maintained since Year 2 of the program. It is the most cost effective and reliable method of Internet service for the District.

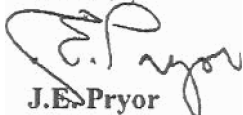
We believe that recent FCC Rulings and Orders allow for the correction of innocent mistakes in the best interest of the public and school. Specifically, in the Alpaugh Unified School District Order, the FCC stated that no fraud or intentional misuse of funds applied to these cases and these appeals involved procedural errors and not core program violations. Additionally, in a March 22, 2007 ruling, the FCC granted 182 appeals and remanded the related applications to USAC for further consideration. In this ruling the FCC stated that "...In each case, USAC had denied the applications based on minor errors or technicalities. The Commission found that rigid adherence to the rules in these cases resulted in outcomes conflicting with the statutory goal mandated by Congress of ensuring that schools and libraries have access to advanced telecommunications services..."

It appears that both of these previously determined appeals correlate directly to the funding denial we have experienced and the subsequent USAC-SLD appeal denial.

We request the FCC to overturn this denial decision by USAC-SLD and allow this request to be funded. Doing so will certainly be in the best interest of the public and school. Our School District is rural and has very limited funding. Not receiving this assistance may make the difference in having to choose between having a teacher or support resource, versus having Internet Access. We cannot afford to be without either and do a good job in the education of children.

We have included the detail of the USAC-SLD Appeal below for your reference. We appreciate any assistance you can offer with this matter.

Sincerely



J.E. Pryor  
Superintendent  
Maud Public Schools

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*J.E. "Woody" Pryor • Superintendent*

February 9, 2007

### **Letter of Appeal**

**Schools and Libraries Division – Correspondence Unit**

100 South Jefferson Road

P.O. Box 902

Whippany, New Jersey 07981

Fax: 1-973-599-6542

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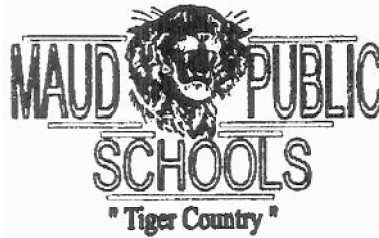
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### **Re: APPEAL of FRN 1487955 Funding Decision**

**“Documents provided show a decision for a new service was made prior to the required 28-day waiting period computed from the date of the posting of the Form 470 to the USAC Web Site which violates program rules.”**

Maud Public Schools waited the required 28 days before selecting the above referenced service. Our allowable contract date was 2/9/06 and we made the decision on 2/10/06. Additionally, our Form 471 was not filed until 2/16/06, which should be further evidence that we waited the required number of days. The selection of the service provider (OneNet) represents a continuation of a month-to-month service with them.



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**On the Schools and Libraries website it states:**

- **"Applicants must wait 28 days after the Form 470 is posted to the USAC website or after public availability of your Request for Proposals (RFP), whichever is later, before selecting a vendor or executing a contract."**
- **"Federal Communications Commission rules require applicants to wait at least 28 days after the Form 470 request is posted to the USAC website before executing any contracts for contracted services, selecting a service provider for tariffed or month-to-month services, or signing and submitting Form 471."**

**We have complied with these rules and are not clear as to what documents would indicate that we have violated these requirements. These are Internet Access services requested on our Form 470 and did not involve an RFP. Therefore, our allowable contract date should have been the guiding factor in identifying our 28-day waiting period. Our allowable contract date was 2/9/06, we made our decision on 2/10/06 and filed our 471 on 2/16/06. All of these dates are in line with program rules. In addition, this is a month-to-month service and does not involve a contract date or contract award date.**

**Please accept this as our Appeal for the Funding Commitment Decision for FRN 1487955.**

**I am available to discuss this matter further via any of the contact methods listed. Furthermore, I am prepared to sign an affidavit verifying the authenticity of this statement.**

**Sincerely,**

**J.E. Pryor**

**Superintendent  
Maud Public Schools**